

Notice of Allowability	Application No. 09/785,048	Applicant(s) PETTAY, MARK J.	
	Examiner James S. Wozniak	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed on 8/23/2006.
2. ☒ The allowed claim(s) is/are 1-18 and 21-27 (now claims 1-25).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Response to Amendment

1. In response to the office action from 8/7/2006, the applicant has submitted a request for continued examination, filed 8/23/2006, amending claims 1 and 18, while arguing to traverse the art rejection based on the amended limitations (*Amendment, Page 6*). Applicant's arguments have been fully considered and claims 1-18 and 21-27 are allowable over the prior art of record for the below noted reasons.

Allowable Subject Matter

2. **Claims 1-18 and 21-27** are allowable over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

With respect to **Claims 1 and 18**, the prior art of record fails to explicitly teach or fairly suggest, either individually or in combination, a method or system for determining a live telemarketing agent's compliance in reading a provided script using speech recognition, wherein prior to submission to a speech recognition component for compliance evaluation, a voice interaction between a live customer and the live agent is divided into panels using timestamps, wherein each panel corresponds to sections of the script directed towards a single offer of a good or service

Although Walker et al (*U.S. Patent: 6,567,787*) recites a method and system for determining the compliance of a live agent in reading a script at a point-of-sale (POS) using speech recognition (*Col. 7, Lines 46-65*) and further notes that script portions can correspond to specific sell offers (*Col. 7, Lines 10-27*), Walker does not make any mention that the voice interaction between a live agent and a live customer is divided into these specific sell offers. Walker also fails to disclose that the voice interaction is divided into panels for evaluation based on timestamps, as is recited in the presently claimed invention.

Although Rtischev et al (*U.S. Patent: 5,634,086*) discloses dividing a received speech input (*voice interaction*) corresponding to a script reading into various word, phrase, sentence, and phone units (*Col. 5, Lines 47-67; and Col. 7, Line 50- Col. 8, Line 14*), Rtischev does not teach that the dividing is based on a timestamp and that each unit corresponds an offer of a single good or service.

Thus, Claims 1 and 18 are allowable over the prior art of record.

Dependent **claims 2-17 and 21-27** further limit allowable independent claims, and thus, are also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
10/24/2006


**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**